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29 **UNITED STATES DISTRICT COURT**
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31 **NORTHERN DISTRICT OF CALIFORNIA**
32
33 **SAN JOSE DIVISION**

34 SHANNON ALYNN RAMSAY,

35 Plaintiff,

36 v.

37 THE STATE BAR OF CALIFORNIA, and
38 DOES 1 - 100 inclusive.

39 Defendants.

Case No. C-07-3645 JW

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT AND
[PROPOSED] ORDER**

JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

1. A brief description of the events underlying the action:

Plaintiff Shannon Alynn Ramsay, an undergraduate at Stanford University and graduate of U.C. Davis Law School, brings claims against the State Bar of California arising out of her attempts to pass the California Bar Exam. Ms. Ramsay, who is legally and completely visually impaired, alleges that the State Bar failed to accommodate her disability in connection with her bar examinations. She brings claims under Title II of the Americans with Disabilities Act, and for breach of contract and negligence under state law.

The State Bar contends that it properly provided all reasonable accommodations requested by Ms. Ramsay, and that her failure to pass the exam was caused by incorrect answers she gave on her examinations consistent with her poor grades in law school and the statistical likelihood of someone with those grades passing the bar exam.

2. The principal factual issues which the parties dispute:

Whether the State Bar reasonably accommodated Ms. Ramsay's disability, and whether there is a causal connection between the accommodations provided to Ms. Ramsay and the results of her bar examinations.

3. The principal legal issues which the parties dispute:

Whether the State Bar was legally required to make changes to the Bar Exam requested by Ms. Ramsay, whether the State Bar was required to publish a "passage rate" for "disabled" test takers, whether the State Bar can be sued for breach of contract or negligence under these circumstances, whether the State Bar's actions complied with Title II of the Americans with Disabilities Act, and whether this Court is authorized to grant the relief requested by Ms. Ramsay.

Plaintiff is currently evaluating whether she will voluntarily dismiss her breach of contract claim based on the meet and confer of counsel concerning that claim.

1 **4. The other factual issues [e.g. service of process, personal jurisdiction, subject**
2 **matter jurisdiction or venue] which remain unresolved for the reason stated below and**
3 **how the parties propose to resolve those issues:**

4 None

5 **5. The parties which have not been served and the reasons:**

6 None

7 **6. The additional parties which the below-specified parties intend to join and the**
8 **intended time frame for such joinder:**

9 None

10 **ALTERNATIVE DISPUTE RESOLUTION**

11 **7. [Please indicate the appropriate response(s).]**

12 The parties have not filed a Stipulation and Proposed Order Selecting an ADR process
13 and the ADR process that the parties jointly request is:

14 Plaintiff is willing to attend either Early Neutral Evaluation, Mediation, or Arbitration.

15 Defendant is willing to attend Early Neutral Evaluation only.

16 **8. Please indicate any other information regarding ADR process or deadline.**

17 N/A

18 **DISCLOSURES**

19 **9. The parties certify that they have made the following disclosures [list disclosures**
20 **of persons, documents, damage computations and insurance agreements]:** The parties have
21 agreed to exchange initial disclosures by no later than December 7, 2007.

22 **DISCOVERY**

23 **10. The parties agree to the following discovery plan [Describe the plan e.g., any**
24 **limitation on the number, duration or subject matter for various kinds of discovery;**
25 **discovery from experts; deadlines for completing discovery]:**

26 The parties propose the following schedule for disclosures, discovery, and motions:

27 Non-expert Discovery cut off by **June 16, 2008**

28 Last Day to File Motion for Summary Judgment **July 7, 2008**

Expert disclosures due on **September 22, 2008**

Rebuttal expert disclosures due on **October 6, 2008**

Expert discovery cut off on **October 20, 2008**

TRIAL SCHEDULE

11. The parties request a trial date as follows:

Pursuant to the schedule discussed above, the parties request a trial date in late November 2008.

12. The parties expect that the trial will last for the following number of days:

Three days. At this time, the matter is set for a court trial. Plaintiff did not demand a jury trial within the time provided by the Federal Rules of Civil Procedure. Plaintiff may bring a motion for relief from that circumstance. Defendant contends that no such relief is legally available or warranted.

DATED: November 13 2007

LAW OFFICE OF JOHN A. SHEPARDSON

By


JOHN A. SHEPARDSON

Attorney for Plaintiff
Shannon Alynn Ramsay

DATED: November 13, 2007

KERR & WAGSTAFFE LLP

By


MICHAEL VON LOEWENFELDT

Attorneys for Defendant
The State Bar of California

[PROPOSED] CASE MANAGEMENT ORDER

IT IS HEREBY ORDERED THAT a further Case Management Conference shall be scheduled for _____.

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order.

In addition the Court orders:

Dated: November __, 2007

Hon. James Ware
United States District Judge